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A. C. SPICER, TRUSTEE IN BANKRUPTCY

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IN RE:
GIUSEPPE ENZO CECCONI,
Debtor.

No. 02-50653-ASW
ANCILLARY PROCEEDING
Adversary Proceeding No. 03-5024-ASW

SARAH CECCONI,
Plaintiff,
v.
GIUSEPPE ENZO CECCONI and A. C.
SPICER, TRUSTEE IN BANKRUPTCY,
Defendants.

APPELLANT'S DESIGNATION OF
THE RECORD ON APPEAL

A. C. SPICER, TRUSTEE IN BANKRUPTCY,
Counterclaimant,
v.
SARAH CECCONI,
Counter-Defendant.

A. C. SPICER, TRUSTEE IN BANKRUPTCY,
Cross-Claimant,
v.
GIUSEPPE ENZO CECCONI,
Cross-Defendant.

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SAN FRANCISCO, CA 9 4111

Pursuant to Rule 8006 of the Bankruptcy Rules, A. C. Spicer, the adversary defendant in the above-entitled action and appellant herein, designates the record on appeal as follows:

APPELLANT'S DESIGNATION OF THE RECORD ON APPEAL

1. Official transcript of trial proceedings before the Bankruptcy Court from March 21, 2005 through May 31, 2005.

<u>Docket No.</u>	<u>Title</u>
158	Transcript, Date of Hearing: March 21, 2005.
159	Transcript Volume II, Date of Hearing: March 22, 2005.
160	Transcript Volume III, Date of Hearing: March 23, 2005.
161	Transcript Volume IV, Date of Hearing: March 24, 2005.
195	Supplement to Volume IV of Trial Proceedings: Pages 558-566.
162	Transcript Volume V, Date of Hearing: March 28, 2005.
163	Transcript Volume VI, Date of Hearing: March 29, 2005.
164	Transcript Volume VII, Date of Hearing: March 30, 2005.
165	Transcript Volume VIII, Date of Hearing: March 31, 2005.
166	Transcript Volume IX, Date of Hearing: April 1, 2005.
167	Transcript Volume X, Date of Hearing: April 8, 2005.
169	Transcript Volume XI, Date of Hearing: April 12, 2005.
170	Transcript Volume XII, Date of Hearing: April 13, 2005.
171	Transcript Volume XIII, Date of Hearing: April 25, 2005.
172	Transcript Volume XIV, Date of Hearing: April 26, 2005.
173	Transcript Volume XV, Date of Hearing: May 31, 2005.

2. Plaintiff's Trial Exhibits 1 through 174.

<u>Docket No.</u>	<u>Title</u>
215	Exhibit Nos. 1 – 10 (Trial Exhibits).
216	Exhibit Nos. 11 – 20 (Trial Exhibits).
217	Exhibit Nos. 21 – 30 (Trial Exhibits).

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<u>Docket No.</u>	<u>Title</u>
218	Exhibit Nos. 31 – 40 (Trial Exhibits).
219	Exhibit Nos. 41 – 50 (Trial Exhibits).
220	Exhibit Nos. 51 – 60 (Trial Exhibits).
221	Exhibit Nos. 61 – 70 (Trial Exhibits).
222	Exhibit Nos. 71 – 80 (Trial Exhibits).
223	Exhibit Nos. 81 – 90 (Trial Exhibits).
224	Exhibit Nos. 91 – 100 (Trial Exhibits).
244	Exhibit Nos. 101 – 105 (Trial Exhibits).
245	Exhibit Nos. 106 – 110 (Trial Exhibits).
225	Exhibit Nos. 111 – 120 (Trial Exhibits).
226	Exhibit Nos. 121 – 130 (Trial Exhibits).
227	Exhibit Nos. 131 – 140 (Trial Exhibits).
228	Exhibit Nos. 141 – 150 (Trial Exhibits).
229	Exhibit Nos. 151 – 160 (Trial Exhibits).
230	Exhibit Nos. 161 – 170 (Trial Exhibits).
231	Exhibit Nos. 171 – 174 (Trial Exhibits).

3. Defendants' Trial Exhibits A through DX.

<u>Docket No.</u>	<u>Title</u>
232	Exhibit Nos. A – Z (Trial Exhibits).
233	Exhibit Nos. AA – AZ (Trial Exhibits).
234	Exhibit Nos. BA – BZ (Trial Exhibits).
235	Exhibit Nos. CA – CZ (Trial Exhibits).
236	Exhibit Nos. DA – DX (Trial Exhibits).

4. Transcript of hearings on: (a) September 14, 2004 (Motion for Summary Judgment); (b) February 1, 2005 (Motions in Limine); and (c) September 22, 2006 (Closing Argument).

Docket No. Title

91 Transcript, Date of Hearing: September 14, 2004.

134 Transcript, Date of Hearing: February 1, 2005.

197 Transcript, Date of Hearing: September 22, 2006.

5. Documents from the Clerk's Record identified below.

Docket No. Title

237 Petition to Commence Ancillary Bankruptcy Case.

238 Declaration of A. C. Spicer in Support of Petition to Commence Ancillary Bankruptcy Case.

239 Notice of Appearance by Sarah Cecconi.

240 Answer of Debtor Giuseppe Enzo Cecconi to Petition of A. C. Spicer.

241 Notice of Entry of Order Commencing Ancillary Case.

242 Notice of Entry of Order Authorizing Intervention by Sarah Cecconi.

1 Complaint to Establish Purchase Money Resulting Trust (03-5024).

5 Answer to Complaint, Counterclaim and Crossclaim by Defendant A. C. Spicer.

6 Answer to Complaint by Defendant A. C. Spicer and Counterclaim by A. C. Spicer against Sarah Cecconi and Crossclaim by A. C. Spicer against Giuseppe Enzo Cecconi.

10 Answer to Complaint by Defendant Giuseppe Enzo Cecconi.

31 Second Amended Counterclaim by A. C. Spicer against Sarah Cecconi and Crossclaim by A. C. Spicer against Giuseppe Enzo Cecconi.

34 Answer to Counterclaim filed by Sarah Cecconi.

35 Answer to Crossclaim filed by Giuseppe Enzo Cecconi.

77 Notice of Hearing and Motion for Summary Judgment.

78 Declaration of Amy L. Hespenheide in Support of Motion for Summary Judgment.

<u>Docket No.</u>	<u>Title</u>
79	Declaration of Tim Albery in Support of Motion for Summary Judgment.
80	Declaration of A. C. Spicer in Support of Motion for Summary Judgment.
81	Declaration of Stuart Wolf in Support of Motion for Summary Judgment.
83	Brief/Memorandum in Opposition to Motion for Summary Judgment.
84	Declaration of Carla Korb in Support of Opposition Brief/Memorandum.
85	Declaration of Elaine Seid in Support of Opposition Brief/Memorandum.
86	Declaration of Sarah Cecconi in Support of Opposition Brief/Memorandum.
87	Declaration of Giuseppe Enzo Cecconi in Support of Opposition Brief/Memorandum.
88	Declaration of Thomas H. Hawley in Support of Opposition Brief/Memorandum.
89	Declaration of Gary S. Vandeweghe in Support of Opposition Brief/Memorandum.
243	Notice of Entry of Stipulated Order Regarding Royal Bank of Scotland's State Court Action and Attachment Lien and Enjoining Transfer of Real Property.
90	[Supporting] Reply [to] in Support of Motion for Summary Judgment.
92	Order Granting in part, Denying in part Motion for Summary Judgment.
104	Motion [in Limine] filed by Plaintiff Sarah Cecconi.
114	Motion in Limine No. 1 to Exclude Extrinsic Evidence to Contradict Written Agreements that Provide that the Property is Community Property.
103	Motion in Limine No. 2 to Exclude Testimony of Newly-Identified Witnesses at Trial.
106	Motion in Limine No. 3 to Exclude Evidence from Gary Vandeweghe.
108	Motion in Limine No. 4 to Exclude Evidence from Thomas Hart Hawley.
110	Motion in Limine No. 5 to Exclude Hearsay Evidence and Testimony Not Based on Personal Knowledge.

Docket No. *Title*

112	Motion in Limine No. 6 to Exclude Evidence Not Provided in Discovery.
118	Brief/Memorandum in Opposition to Motion for Miscellaneous Relief [Docket No. 104].
119	Brief/Memorandum in Opposition to A. C. Spicer's Motion in Limine No. 1.
120	Brief/Memorandum in Opposition to A. C. Spicer's Motion in Limine No. 2.
121	Brief/Memorandum in Opposition to A. C. Spicer's Motion in Limine No. 3.
122	Brief/Memorandum in Opposition to A. C. Spicer's Motion in Limine No. 4.
123	Brief/Memorandum in Opposition to A. C. Spicer's Motion in Limine No. 5.
124	Brief/Memorandum in Opposition to A. C. Spicer's Motion in Limine No. 6.
125	Declaration of Elaine M Seid in Opposition to A. C. Spicer's Motion in Limine No. 6.
126	Amended Declaration of Elaine M. Seid in Opposition to A. C. Spicer's Motion in Limine No. 6.
132	Reply to Opposition Brief/Memorandum [Docket No. 118].
133	Reply to Plaintiff Sarah Cecconi's Opposition to Adversary Defendant A. C. Spicer's Motion in Limine No. 1.
127	Reply to Plaintiff Sarah Cecconi's Opposition to Adversary Defendant A. C. Spicer's Motion in Limine No. 2.
128	Reply to Plaintiff Sarah Cecconi's Opposition to Adversary Defendant A. C. Spicer's Motion in Limine No. 3.
129	Reply to Plaintiff Sarah Cecconi's Opposition to Adversary Defendant A. C. Spicer's Motion in Limine No. 4.
130	Reply to Plaintiff Sarah Cecconi's Opposition to Adversary Defendant A. C. Spicer's Motion in Limine No. 5.
131	Reply to Plaintiff Sarah Cecconi's Opposition to Adversary Defendant A. C. Spicer's Motion in Limine No. 6.
135	Joint Trial Brief filed by Plaintiff Sarah Cecconi.

<u>Docket No.</u>	<u>Title</u>
136	Trial Brief filed by Defendant A. C. Spicer.
137	Notice Regarding Errata to Trial Brief of Adversary Defendant A. C. Spicer.
138	Motion for Sanctions (Evidentiary) against Adversary Plaintiff Sarah Cecconi.
139	Declaration of Amy L. Hespenheide in Support of Motion for Evidentiary Sanctions against Sarah Cecconi.
141	Motion to Clarify Order on Summary Judgment filed by Defendant A. C. Spicer.
143	Brief/Memorandum in Opposition to Defendant's Motion for Order Shortening Time [re: Related Documents Nos. 138 and 141].
144	Declaration of Paul S. Avilla in Opposition to Motion for Sanctions.
145	Supplemental Trial Brief filed by Plaintiff Sarah Cecconi.
156	Notice Regarding Receipt of Transcript and Stipulation Regarding Filing of Post-Trial Briefs.
168	Order Setting Post-Trial Briefing Schedule.
174	Trial Brief (Post) filed by Defendant Giuseppe Enzo Cecconi and Plaintiff Sarah Cecconi.
175	Trial Brief No. 1 (Post-Trial Brief) filed by Defendant A. C. Spicer.
176	Notice Regarding Errata (Post-Trial Brief of Adversary Defendant A. C. Spicer).
177	Joint Reply to Trial Brief [Docket No. 175].
178	Final Trial Brief (Post-Trial Reply Brief) filed by Defendant A. C. Spicer.
179	Notice Regarding Errata (Post-Trial Reply Brief of Adversary Defendant A. C. Spicer).
193	Stipulation Regarding Purchase of Unimproved Pebble Beach Property in 1985.
194	Stipulation Regarding Modification of Order on Summary Judgment.
198	Joint Trial Brief (Post) – Final Supplemental Brief filed by Defendant Giuseppe Enzo Cecconi and Plaintiff Sarah Cecconi.
199	Amended Document: Proposed Findings of Fact and Conclusions of Law filed by Defendant A. C. Spicer.

Docket No. Title

200 Supplemental Trial Brief in Response to Questions Posed by the Court
 filed by Defendant A. C. Spicer.

202 Memorandum Decision after Trial.

246 Statement of Issues on Appeal filed by Defendant A. C. Spicer
 [Appellant].

DATED: July 23, 2007

SHARTSIS FRIESE LLP

By: /s/ Mary Jo Shartsis
 MARY JO SHARTSIS

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 A. C. SPICER, TRUSTEE IN BANKRUPTCY

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